

FILED

AUG 13 2015

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

**JUDICIAL COUNCIL
OF THE NINTH CIRCUIT**

**IN RE COMPLAINT OF
JUDICIAL MISCONDUCT**

Nos. 15-90024, 15-90025,
15-90026, 15-90027, 15-90028
and 15-90029

ORDER

THOMAS, Chief Judge:

Complainant, a pro se prisoner, alleges that three district judges improperly denied his requests to proceed in forma pauperis and made various other erroneous rulings in his civil cases, and that three circuit judges improperly affirmed those rulings. These allegations relate directly to the merits of the judges' rulings and must be dismissed. See 28 U.S.C. § 352(b)(1)(A)(ii); In re Charge of Judicial Misconduct, 685 F.2d 1226, 1227 (9th Cir. Jud. Council 1982); Judicial-Conduct Rule 11(c)(1)(B).

Complainant further alleges that one of the district judges failed to recuse in the underlying proceedings. Such allegations are also merits-related and must be dismissed. See 28 U.S.C. § 352(b)(1)(A)(ii); In re Complaint of Judicial Misconduct, 623 F.3d 1101, 1102 (9th Cir. Jud. Council 2010) (holding that the decision not to recuse is merits-related); Judicial-Conduct Rule 11(c)(1)(B).

Complainant next alleges that the subject district judges improperly delayed ruling in his underlying civil cases. However, complainant offers no evidence that the alleged delay is based on improper motive, or that the judges habitually delayed ruling in a significant number of unrelated cases, and accordingly, this charge must be dismissed. See Judicial-Conduct Rule 3(h)(3)(B); In re Complaint of Judicial Misconduct, 584 F.3d 1230, 1231 (9th Cir. Jud. Council 2009).

Finally, complainant alleges that the subject district judges have “conspired and colluded” to shield wrongdoing by prison staff and to keep complainant out of the courts. Adverse rulings alone are not evidence of conspiracy, and complainant provides no objectively verifiable proof to support these allegations, which must be dismissed as unfounded. See 28 U.S.C. § 352(b)(1)(A)(iii); In re Complaint of Judicial Misconduct, 631 F.3d 961, 962–63 (9th Cir. Jud. Council 2011); In re Complaint of Judicial Misconduct, 569 F.3d 1093 (9th Cir. Judicial Council 2009); Judicial-Conduct Rule 11(c)(1)(D).

This misconduct complaint was filed before the Pre-Filing Review Order issued in Complaint No. 14-90173. The Pre-Filing Review Order remains in effect and applies to all future misconduct complaints submitted by complainant.

DISMISSED.